

IN THE SENATE OF THE UNITED STATES.

MARCH 28, 1860.—Ordered to be printed.

Mr. JOHNSON, of Arkansas, made the following

REPORT.

[To accompany Joint Resolution S. 10.]

The Committee on Public Lands, to whom was referred joint resolution S. No. 10, relating to the route of the railroad from Fond-du-Lac, on Lake Winnebago, in the State of Wisconsin, to Lake Superior, having had the same under consideration, submit the following report:

That by an act of Congress, approved June 3, 1856, (United States Statutes, vol. 11, page 20,) land was granted to the State of Wisconsin to construct a certain railroad from Fond-du-Lac, on Lake Winnebago northerly to the State line, and in accordance therewith, the line of the route was surveyed, and maps of the definite location of the contemplated railroad approved by the authorities of the State of Wisconsin, were filed in the General Land Office in 1857. Thus establishing the road permanently, and vesting the title to alternate adjacent sections in the State, under the law making the grant.

Now, to change the aforesaid route so permanently established and vested, from a *northerly* to an *easterly* line, would be in direct violation of the original grant, and throw everything pertaining to the route into great confusion, as will more fully appear by the following reports from the Commissioner of the General Land Office, to the honorable Secretary of the Interior, and of the latter to your committee, on the subject.

GENERAL LAND OFFICE,
March 6, 1860.

SIR: I have the honor to return, herewith, Senate joint resolution No. 10, received with the communication from the Committee of the Senate on Public Lands, authorizing a change in the location of the line of route of the railroad, from "Fond-du-Lac, on Lake Winnebago, northerly to the State line;" contemplated by the railroad grant to Wisconsin, by act of 3d June, 1856, and pursuant to reference, respectfully submit:

That maps of the "definite location" of the line of route of the road referred to, in view of the above-mentioned law, approved by the au-

thorities of the State, were filled in this office, in 1857, and accepted as correct.

Upon these maps, as a basis, an adjustment of the grant was made, so far as the public surveys extended, the alternate sections reserved to the United States were proclaimed and offered at public sale, and sales thereof were made, and the lands inuring to the road certified to the State.

The resolution proposes to amend the act of 3d June, 1856, by authorizing the road to be constructed on a route to the eastward of the line as now located and adjusted.

The adjustment of the grant to the State of Wisconsin by act of 3d June, 1856, to aid in the construction of the road from "Fond-du-Lac northerly to the State line," has been made upon the line of route shown on the approved maps filed, recognized by the parties, and duly admitted on our files as the basis of said adjustment; under it the lands inuring have been certified to the State, and vested rights acquired by individuals; that basis then should bind the State, her grantees, and the general government.

I, therefore, cannot recommend the passage of the resolution asked for by the legislature of Wisconsin.

Very respectfully, your obedient servant,

JOSEPH S. WILSON,
Commissioner.

Hon. JACOB THOMPSON,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1860.

SIR: I have the honor herewith to return Senate joint resolution No. 10, to authorize a change in the location of the line of route of the railroad, in the State of Wisconsin, "from Fond-du-Lac northerly to the State line," which was inclosed with your letter of the 9th ultimo, for the views of this department thereon.

You will also find inclosed a copy of a report of the Commissioner of the General Land Office, dated the 6th instant, from which it appears that the road in question has been located, and the title of the State to alternate adjacent sections has vested.

The effect of the adoption of this joint resolution would be to introduce confusion and difficulty in the administration of the grant, and discharge the State from her present liability to construct the road, whilst she could retain the lands which were granted to her for that express purpose.

I therefore cannot recommend the passage of this joint resolution.

Very respectfully, your obedient servant.

J. THOMPSON, *Secretary.*

Hon. R. W. JOHNSON,
Chairman Committee Public Lands, U. S. Senate.

Your committee, therefore, report the joint resolution back to the Senate, with the recommendation that it be rejected.